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ECF ONLY

June 1, 2018

Hon. Cheryl L. Pollak
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Baron Walker v. City of New York, et al.*, 17-CV-3234 (RJD)(CLP)
Dwayne Wyatt v. City of New York, et al., 17-CV-3236 (ILG)(VMS)

Your Honor:

I am an associate attorney at Beldock Levine & Hoffman LLP, counsel for plaintiffs in the above-referenced actions. I to respectfully request the Court excuse plaintiff Baron Walker from appearing in person at the upcoming settlement conference scheduled for June 8, 2018 at 2:00 p.m. Defendants have consented to this request, and we have agreed to make Mr. Walker available by phone should his participation be necessary.

By means of background, the above referenced matters were consolidated for the purposes of discovery. On February 2, 2018, plaintiffs filed amended complaints with class allegations concerning unconstitutional conditions of confinement and the failure to accommodate pursuant to the Americans with Disabilities Act. A previous settlement conference was held on March 9, 2018, at which plaintiff Baron Walker was in attendance.

Plaintiff believes additional discovery is needed to inform any further settlement discussion on Mr. Walker's case. Since the time of the previous conference, the parties have continued to confer as to discovery, but defendants have not produced records and information that plaintiff believes is necessary to further settlement negotiations. Plaintiff served deficiency

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letters on the defendants and is awaiting a response from defendants next week. We believe certain discovery disputes may require judicial intervention at that time, and anticipate imminently filing a motion concerning the above. Similarly, the inspections of the holding cells at issue have not taken place, in part because plaintiff believes outstanding discovery is necessary to inform such inspections. The parties have conferred and agree that the June 8, 2018 conference might be more suited to a discussion of outstanding discovery and disputes that have arisen. For this reason, plaintiff Baron Walker respectfully requests the Court excuse his appearance in person at the upcoming conference and allow him to be available by phone.

Additionally, a letter was filed on the related docket for *Dwayne Wyatt v. City of New York, et al.*, 17-CV-3236 (ILG)(VMS), informing the Court that the parties have come to an agreement in principle concerning Mr. Wyatt's claims. We therefore believe Mr. Wyatt's attendance is not necessary for this conference.

For the foregoing reasons, plaintiffs respectfully request the Court excuse both plaintiffs from appearing in person at the upcoming June 8, 2018 conference. Defendants consent to this request.

Plaintiff thanks the Court for its time and attention in this matter.

Respectfully submitted,

/s/

Gillian Cassell-Stiga

Counsel for the Plaintiffs

*Request granted
So Ordered*

C /s/ Cheryl Pollak

J USMJ

6/1/18